IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11748 of 2004

Between:

1 Sampara Sambasiva Rao S/o Narasimharao
D.No.41-2-28, Post office Road, Krishnalanka, Vijayawada-13
2 Pallanti Ramesh Babu S/o Maheswararao,
D.No.10-13-182, Upparavagu, Mallikarjunapet, Vijayawada -1

..... PETITIONER(S)

AND

1 Vijayawada Municipal Corportion rep. by its Commissioner
Vijayawada, Krishna District
2 Government of AP rep. by its Principal Secretary,
Municipal Administration , Secretariat, Hyderabad
3 Vijayawada Municipal Corporation rep. by its Asst.Commissioner,
Vijayawada, Krishna District
4 Smt. Usha Rani (IAS) Commissioner, Vijayawada
Municipal Corporation, Vijayawada,Krishna Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in nature of Writ of Mandamus to declare the action of the 1st Respondent in conducting the Auction for lease hold rights for collecting user charges from the vendors in Vijayawada, in pursuance of Notification dt. 18/06/2004, in Rc.No.A2-3468/99, in favour of 3rd parties at the lesser rates with a mala fide intention to deprive the state of its legitimate amount when the Petitioners are ready to pay the higher amount as was paid for the year 2003-2004,and after declaring the inaction of the Respondent in not enforcing the payment of user charges as per the provisions of Municipal Corporation act and Consequently direct the 1st Respondent to extend the lease period in favour of the petitioners for a further period of 1 year on same terms levied for 2003-2004.

Counsel for the Petitioners:MR.B.SUDHAKAR REDDY & NEERAJA

REDDY

Counsel for the Respondent Nos.1, 3 & 4:
MR.T.S.VENKATARAMANA

Counsel for the Respondent No.2: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

The Court at the stage of admission made the following ORDER:

The notification dated 18-06-2004 issued by the first respondent in RC.No.A2-3468/99 for conducting the auction for leasehold rights for collecting user charges from the vendors in Vijayawada is a subject matter of challenge in this writ petition.

It is represented by the learned counsel for the respondent Nos.1, 3 and 4 that pursuant to the impugned auction notification, three bidders offered their bid amounts and the fourth bidder has not offered any amount. In the auction, one Mr. B.Satyanarayana offered highest bid amount. The same was accepted and he was also given notice to pay the said amount and accordingly, entrusted the contract work.

In view of the same and in the absence of any stay granted by this Court, the relief claimed in the writ petition has become infructuous.

The writ petition is accordingly dismissed as infructuous. No costs.

21st SEPTEMBER, 2004.

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To

1 The Commissioner, Vijayawada Municipal Corporation,
Vijayawada, Krishna District
2 The Principal Secretary, Government of AP,
Municipal Administration , Secretariat, Hyderabad
3 The Assistant Commissioner, Vijayawada Municipal Corporation,
Vijayawada, Krishna District.
4 Smt. Usha Rani (IAS) Commissioner, Vijayawada
Municipal Corporation, Vijayawada, Krishna Dist
5 Two CCs to the Government Pleader for Municipal Administration and
Urban Development, High Court of A.P., Hyderabad. (OUT)
6 Two CD copies.